

Meyer, Ioana C (CIV)

From: Speth, Charles <Charles.Speth@wilmerhale.com>
Sent: Thursday, November 7, 2024 12:26 PM
To: Meyer, Ioana C (CIV)
Cc: Tuttle Newman, Jake; Gostin, Isley; Bertoni, Daniel (CIV); Adair, Thomas (CIV)
Subject: [EXTERNAL] RE: AECOM - Discovery Check-in

Ioana –

I have a couple updates on scheduling. Kevin Collins can be available the week of December 16. I need to confirm with him whether that will be December 19 and 20 or December 18 and 19. I'll try to firm that up quickly and get back to you. He is travelling for work December 2 to 14 so not available on the date you had proposed.

Peggy Hamilton is confirmed for November 20 and 21.

Thanks,
Charlie

From: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Sent: Wednesday, November 6, 2024 2:34 PM
To: Speth, Charles <Charles.Speth@wilmerhale.com>
Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>; Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>
Subject: RE: AECOM - Discovery Check-in

EXTERNAL SENDER

Thanks Charlie. I'm not available today, but I am free tomorrow at 3:30 pm.

Ioana C. Meyer
Tel. (202) 305-0001
Email: Ioana.C.Meyer@usdoj.gov

From: Speth, Charles <Charles.Speth@wilmerhale.com>
Sent: Wednesday, November 6, 2024 10:20 AM
To: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>; Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>
Subject: [EXTERNAL] RE: AECOM - Discovery Check-in

Thanks Ioana. For Blunt, I was indicating that we will bring him to our DC office for the deposition. We'd also like to discuss Marcinowski and Giardina scheduling and locations. Please let me know if there is a time that works for you.

From: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Sent: Wednesday, November 6, 2024 9:59 AM

To: Speth, Charles <Charles.Speth@wilmerhale.com>

Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>;

Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>

Subject: RE: AECOM - Discovery Check-in

EXTERNAL SENDER

Hi Charlie – could you please just let me know your response re Brent Blunt? I’m also happy to discuss, could you let me know which points specifically you’d like to discuss?

Ioana C. Meyer

Tel. (202) 305-0001

Email: Ioana.C.Meyer@usdoj.gov

From: Speth, Charles <Charles.Speth@wilmerhale.com>

Sent: Tuesday, November 5, 2024 6:24 PM

To: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>

Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>;

Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>

Subject: [EXTERNAL] RE: AECOM - Discovery Check-in

Thanks Ioana. I think it makes sense to have a call to discuss several of these points. Can you let me know your availability tomorrow? I am also available now if you are free now. Thanks very much.

From: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>

Sent: Tuesday, November 5, 2024 6:13 PM

To: Speth, Charles <Charles.Speth@wilmerhale.com>

Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>;

Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>

Subject: RE: AECOM - Discovery Check-in

EXTERNAL SENDER

Charlie,

Thanks for your response, I’ll respond to your points in turn.

Prior Agreement Regarding Potential Trial Witnesses and Depositions: I didn’t mean to imply that we would wait until the last minute to disclose our trial witnesses; I just meant to say that we are still working on that determination but we will absolutely inform you on a rolling basis as soon as we have decided. We hope to have figured that out soon and will let you know as soon as possible.

Marcinowski: I understand your points. You noticed his deposition and we have been planning on his deposition moving forward consistent with that notice. Presently, we are in the process of determining whether he should be a trial witness and will let you know once we have made that determination. However, we do still reserve the right to call him as a trial witness even if you decide not to depose him next week – though of course we would disclose that in good faith. Finally, we have discussed with Mr. Marcinowski that he will come to the DOJ office for his deposition, and we will thus make him available there. If you have a compelling reason why the deposition must be held at the WilmerHale

office besides your deposition notice – which also stated that the deposition could be held at such other mutually agreeable location – please let me know.

Blunt: To clarify, it sounds like Mr. Blunt will be sitting in Aiken, SC, meaning we can either take his deposition remotely from DC or we can travel to SC, is that right? And will you be attending remotely from your DC office, or will you be traveling to SC for his deposition?

Hamilton: Thank you for letting us know, I will discuss with the attorney who will be taking her deposition and let you know whether he will travel or take the deposition remotely.

Giardina: We are still confirming a date with Mr. Giardina and will get back to you as soon as possible.

Best,
Ioana

Ioana C. Meyer

Tel. (202) 305-0001

Email: Ioana.C.Meyer@usdoj.gov

From: Speth, Charles <Charles.Speth@wilmerhale.com>

Sent: Tuesday, November 5, 2024 3:52 PM

To: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>

Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>;

Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>

Subject: [EXTERNAL] RE: AECOM - Discovery Check-in

Ioana,

Thanks for your email. Let me try to respond to the items included in your email:

Prior Agreement Regarding Potential Trial Witnesses and Depositions: As you know, the purpose of our agreement regarding the disclosure of potential trial witnesses was to ensure that each party would have the ability to depose such witnesses in a timely manner. As such, our agreement provided that “the parties shall continue to disclose potential trial witnesses in good faith and with reasonable diligence on a rolling basis, so that such witnesses may be deposed in a timely manner.” In other words, the purpose of the agreement was to avoid waiting until February 12 to disclose those potential trial witnesses about which a party already knows. Let me know if you disagree or if we should discuss.

Marcinowski: Given that the deposition of Mr. Marcinowski is currently scheduled for next Tuesday, please let us know by EOD Thursday. This was intended to be a way to relieve Mr. Marcinowski from having to sit for a deposition, since you had not disclosed him as a potential trial witness but rather it was we who noticed his deposition. In any event, the terms of our offer to withdraw the notice are set forth in my email of November 4. We’re happy to discuss if you have any questions. In terms of location, we noticed the deposition for our offices in DC and plan to take the deposition there.

Giardina: Your email did not mention Mr. Giardina. Please let us know whether our proposed date of December 5 for Mr. Giardina’s deposition works.

Blunt: Mr. Blunt is located in Aiken, SC but we are willing to host his deposition at our offices in DC.

Hamilton: Thank you for letting us know that November 20 and 21 will work. We are confirming with Ms. Hamilton and will circle back. Ms. Hamilton is located in Richland, Washington. We plan to attend in person, but you are welcome to take the deposition virtually.

Notice regarding in-person attendance: We will endeavor to let you know as soon as possible whether we will be attending our witness's depositions in person but can't promise that it will be three weeks in advance. As a default, you can assume that we will be attending our witnesses' depositions in person.

Other individual URS depositions:

- a. **Kevin Collins:** We don't think 12/3 will work but will get back to you with an alternative date (targeting early December) by the end of the week.
- b. **Michael Gavin, Keith Stone, Dan Macias, Arthur Desrosiers, URS 30(b)(6):** We will circle back with these proposed dates in mind.

Please let me know if it would be helpful to discuss any of the above.

Best,
Charlie

From: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Sent: Tuesday, November 5, 2024 10:38 AM
To: Speth, Charles <Charles.Speth@wilmerhale.com>
Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>; Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>
Subject: RE: AECOM - Discovery Check-in

EXTERNAL SENDER

Charlie – Yes, Wednesday Nov 20 to Thursday Nov 21 will work, thanks.

Ioana C. Meyer
Tel. (202) 305-0001
Email: Ioana.C.Meyer@usdoj.gov

From: Speth, Charles <Charles.Speth@wilmerhale.com>
Sent: Monday, November 4, 2024 5:58 PM
To: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>; Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>
Subject: [EXTERNAL] RE: AECOM - Discovery Check-in

Ioana – thanks for your note. I will respond to other points separately but wanted to ask whether it would be possible for the attorney taking Hamilton's deposition to do so on Wednesday November 20, such that our direct exam could be continued to Thursday November 21 if needed. Please let me know if that would be possible on your end. Thanks.

From: Meyer, Ioana C (CIV) <Ioana.C.Meyer@usdoj.gov>
Sent: Monday, November 4, 2024 5:41 PM
To: Speth, Charles <Charles.Speth@wilmerhale.com>
Cc: Tuttle Newman, Jake <Jacob.TuttleNewman@wilmerhale.com>; Gostin, Isley <Isley.Gostin@wilmerhale.com>;

Bertoni, Daniel (CIV) <Daniel.Bertoni@usdoj.gov>; Adair, Thomas (CIV) <Thomas.Adair@usdoj.gov>

Subject: AECOM - Discovery Check-in

EXTERNAL SENDER

Charlie,

I'm responding to a few different emails in one to keep things consolidated.

First – regarding Frank Marcinowski. As I said in my previous email, he is indeed listed on page 9 of the United States' initial disclosures. We are tracking the agreement to disclose trial witnesses no later than one month prior to the close of fact discovery, which will be February 12, but we are still working on our list of trial witnesses. We will have a better answer as to Frank most likely later this week.

To the extent you still intend to take his deposition, it will be at the DOJ offices located at 1100 L St NW in one of our conference rooms. When you arrive, make sure you have a photo ID, check in with the guard, and then Tom Adair (or someone from our office) will come down to get you and escort you up.

Second – Brent Blunt's deposition is also coming up next week. The last we heard is that he would be either in South Carolina or DC. Please let me know by COB tomorrow (Tuesday) where he will be located and whether you will be traveling to him so that we can make the requisite arrangements.

Third – thanks for letting us know in your Oct. 29 email that you intend to do a direct exam of Mr. Blunt, Ms. Hamilton, and Mr. Lowe. With regards to Ms. Hamilton, at the time we scheduled the deposition we had intended for only one day because we did not know you would need a second day for direct, and the attorney taking the deposition is not available on Nov. 22. Accordingly, you will either need to do her direct on a different day, or we will need to reschedule her deposition. Please let us know by COB Wednesday what you decide.

Fourth – you said in your Oct. 29 email that URS may choose to attend a deposition in person even if the US intends to proceed remotely. In order to make our own preparations, we will need to know at least 3 weeks before the scheduled deposition date whether URS intends to attend a deposition in person.

Fifth – we have not received any updates regarding availability for the following witnesses, so we have proposed additional dates for their depositions:

- Kevin Collins: December 3
- Michael Gavin: Week of December 16
- Dan Macias: Week of January 13 or 20
- Keith Stone: Week of January 27
- Arthur Desrosiers: Week of Feb 3
- 30(b)(6): Week of Feb 10

Sixth – Thank you for sending those proposed dates for Mr. Davis, Mr. Feinberg, Mr. Franklin, and Ms. Bauer. We are checking with each witness as to whether the dates will work for them and will get back to you as soon as we hear back.

Best,
Ioana

Ioana C. Meyer

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United States Department of Justice
Civil Division-Commercial Litigation Branch

National Courts Section
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